

1. I am one of the artists who created and composed the song “*What You See Is What You Get*.”
2. I filed this lawsuit with the sole intention and purpose to protect the copyrights of my song, titled “*What You See Is What You Get*,” which was copyrighted and registered before Defendants’ registered and copyrighted their song “*What U See Is What U Get*,” in May of 2000.
3. Prior to the institution of this litigation, I conducted my own investigation, which included, *inter alia*, reviewing the infringing artists internet website in connection with what I believed, and still believe, constitutes an infringement of my song, listening to both songs at issue and participating in a two musicological analyses prior to this lawsuit.
4. I reasonably believed Defendants had access to my song through William Kahn, who received a copy of the copyrighted version of the song “*What You See Is*

*What You Get*,” in or around December 2000. Mr. Kahn had direct access to Britney Spears’ production team.<sup>1</sup>

5. I also believed at the time of filing the Complaint, and I still believe, that Defendants probably could have gained access to our song through Louis Pearlman, who received a copy of my song and forwarded it to recording companies in or around February 2000.
6. I further believe that the songs at issue sound substantially similar because they are in harmony, and they have the same rhythm and structure, *i.e.* intro, verse, pre-chorus and chorus relationship.
7. Based on the foregoing, I believe that there was more than a reasonable basis to institute this action to protect our copyrights.
8. I recently became aware that on June 2, 2003, a public poll was conducted on the television show *Celebrity Justice* to determine whether the songs at issue sound similar.
9. The result of the poll was that a majority of the individuals that participated in this poll thought that the two songs at issue sounded similar.
10. I currently earn approximately \$30,000 per year as the sole breadwinner of the family.
11. Any award of attorneys’ fees against me would be extremely burdensome

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<sup>1</sup> Mr. Kahn also received a copy of a musical version of the song “*What You See Is What You Get*,” in or around October of 2000. This version had the same groove and musical melody of the copyrighted version, although it was not technically the same because it did not have recorded lyrics.

financially for myself as well as my family, including my wife and our three children, ages three (3), six (6) and ten (10).

Executed this \_\_\_\_\_ day of June, 2003, in Philadelphia, Pennsylvania. I declare under penalty of perjury that the foregoing is true and correct.

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Lawrence E. Wnukowski